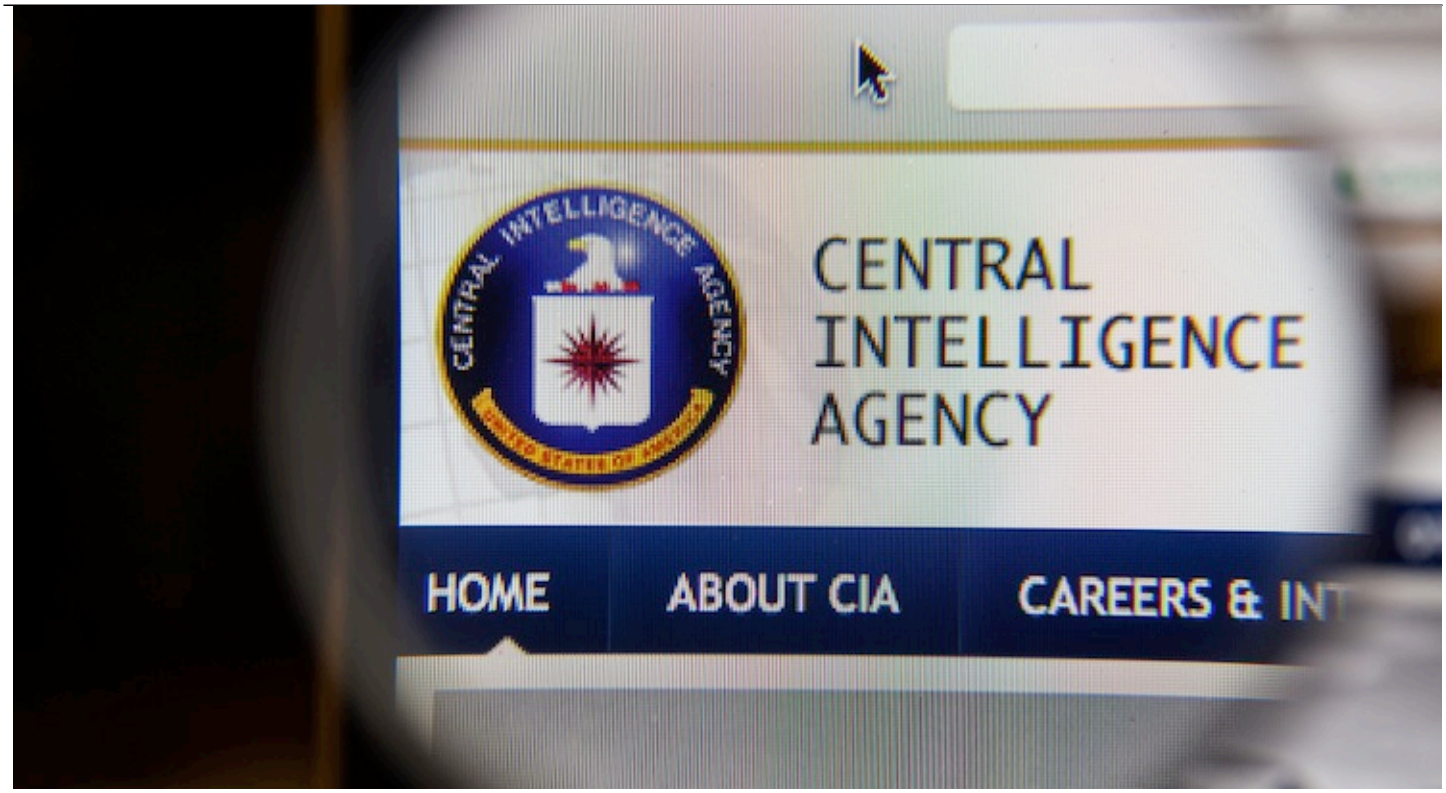


Building and Maintaining Relationships: Caroline Krass's Approach as the GC of the CIA

Career Development



Caroline Krass, general counsel (GC) for the Central Intelligence Agency (CIA), has a job straight out of a movie. Krass humbly acknowledges the great privilege to be the GC of the CIA and, along with her team, is proud to contribute to the security of the United States. Interestingly, Krass strongly believes that, in addition to gaining over 20 years of public service expertise, success in this job is, in large part, due to the relationships she has built, maintained, and fostered throughout her entire career.

The importance of relationships

Prior to working as the GC of the CIA, Krass worked for more than 20 years in the US Executive Branch, including as special counsel to the president for National Security Affairs at the White House, as acting assistant attorney general for the Office of Legal Counsel at the United States Department of Justice, as deputy legal adviser at the National Security Council, as a prosecutor in the US Attorney's Office for the District of Columbia, and at the Departments of State as well as the Treasury. While this is an impressive record, none of the aforementioned roles required a Senate confirmation. Krass's post at the CIA is one of only three confirmed positions at the Agency and, in a time of often-intense political partisanship, she was confirmed by a 95 to 4 Senate vote on March 13, 2014.

So how does one get nominated for such a role? "I was always interested in national security issues and had worked closely with John Brennan [the director of the CIA] at the White House. We had built a great relationship over the years, and I believe that was key to my nomination," Krass explains. The vetting process can take a significant amount of time, and Krass credits the relationships she had with White House staff as integral to ensuring that her vetting process went quickly. "I was very fortunate in that people at the White House knew me and my work well, and they felt comfortable

speaking on my behalf," Krass says. Once nominated, it only took four months to be confirmed, in part due to the relationships Krass had established on both sides of the aisle over the course of her career.

Krass used the confirmation process as another opportunity to build relationships. As she discloses, "I had about a month to prepare for my hearing. Several colleagues across the Executive Branch, as well as former officials, helped me by simulating the confirmation-hearing experience and asking me the kinds of questions I could expect from the Senators." Krass's relationship-building savvy clearly helped shepherd her through this unique experience, and it can and should be instructive for both public and private sector in-house counsel.

Relationships with Congress and the public

Krass believes that the Senate confirmation process, which includes meetings between the nominee and individual members of the Senate, provides an important opportunity to establish relationships. During that process, Krass realized that she was valued, in part because of the different perspective she could bring to the CIA. According to Krass, "the confirmation process definitely makes you feel accountable to Congress. This is especially true for the CIA where, because most of the Agency's activities are classified, congressional oversight is particularly important." Krass has worked to continue to build relationships with the CIA's oversight committees by maintaining regular interactions with key staff.

Krass believes it is critical to build relationships with the public as well, but notes that "the need for secrecy to protect sources and methods creates certain challenges in building the required trust between the Agency and the public." In her view, it is important for the Agency's senior leadership to communicate publicly as much as and in the most transparent manner possible to try and explain the Agency's mission to the American people and other audiences. "The Agency wants and needs to be relatable despite the secrecy surrounding much of its work," explains Krass. "There is a misconception that, sometimes, the Agency can take shortcuts and do whatever it pleases. This couldn't be further from the truth: we are extremely focused on operating within the law. I oversee a terrific team of over 150 lawyers working day in and day out, giving advice on an hourly basis and working to ensure compliance with the Constitution, statutes, regulations, and the President's executive mandates. I think people would be quite surprised to see just how much the rules matter to us," Krass adds. For many in-house counsel in the private sector, building relationships with the public is often limited to press releases and annual reports. Krass's advice to build relationships with the American public is relevant for the private sector as well.

Relationships within the legal community

While years of public service prepared Krass well for the job, harnessing the experience in her Office was a critical early challenge for Krass as, once confirmed, she had to quickly transition from being an outsider to leading the lawyers at the CIA. "I was very familiar with some of the most difficult legal issues facing the organization, but when I joined there were some new CIA-specific issues and new management and leadership responsibilities," notes Krass. "I am grateful to my CIA team of lawyers and other staff that has worked tirelessly to provide seamless continuity and support." Beaming with pride, Krass adds,"The lawyers in my office bring a wealth of knowledge to the table. My team is uniquely qualified."

Although there are many similarities between the types of legal issues faced by the CIA and a private company, such as typical in-house issues related to personnel, contracting, litigation, and ethics, one

key difference is that, given the nature of her work, Krass rarely gets to consult with outside counsel. This isn't to say Krass doesn't appreciate the benefits an outside perspective offers. Krass explains that, depending on the issue, "Lawyers at the Justice Department [DOJ] can serve this role because we can seek advice from them when we're not sure how the law applies to a proposed activity. DOJ lawyers also represent us in court. And if we're dealing with an issue involving an exercise of the President's authorities, lawyers from the White House are helpful because they can help interpret executive orders and Presidential directives from the perspective of being the President's counsel."

In addition, Krass seeks advice from the National Security Council Lawyers Group. This group, which includes the general counsels and senior lawyers from the primary national security departments and agencies, provides feedback and support to its members, including Krass. "We often discuss legal issues associated with proposed activities. I have worked with some of the members of the Lawyers Group for the entirety of this Administration, and others even longer, across different administrations," Krass says. Krass routinely gets together with former GCs of the CIA, as well as a small external advisory group that includes former GCs and senior government officials. "There are about a dozen formal and informal advisors who provide helpful advice," she explains. And although one might expect such a high-ranking assortment of lawyers to be reticent, Krass reveals the group is a highly collegial support system. "I am extremely thankful for the assistance and advice of this talented group," she says. "I have learned a great deal from their collective experiences. Together, this support compensates for not being able to rely on outside counsel."

While Krass's job is undoubtedly exciting, it comes with a unique set of challenges that she has expertly overcome by growing, fostering, and tending to relationships with past and existing colleagues in an array of public-sector areas. When everything is going smoothly, these relationships are an added benefit. However, when crisis strikes, they are critical to successfully responding efficiently. In a way, the understandably secretive nature of her job has forced Krass to work on these relationship-building skills above and beyond what many in the private sector have been required to do. At the same time, Krass's example provides in-house counsel in the private sector with an opportunity to review their approach and, hopefully, adopt some of Krass's methods to help others do the same.

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Olga V. Mack is a fellow at CodeX, The Stanford Center for Legal Informatics, and a Generative AI Editor at law.MIT. Mack shares her views in her columns on ACC Docket, Newsweek, Bloomberg, VentureBeat, Above the Law, and many other publications.

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